



Federal Communications Commission
Washington, D.C. 20554

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DA 11-908

Small Entity Compliance Guide

Expanded Channel Availability in the 6 and 23 GHz Bands

FCC 10-109
WT Docket No. 09-114
Released: June 11, 2010

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In this *Report and Order (6 and 23 GHz R&O)*, the Commission expanded the maximum permissible bandwidth for fixed terrestrial wireless operations in the 6525-6875 MHz band (Upper 6 GHz Band) from 10 megahertz to 30 megahertz. It also allowed applicants to operate pursuant to conditional authority on two additional channel pairs in the 23 GHz Band. Conditional authority allows license applicants to begin operation as soon as they finish coordinating their proposed stations with incumbent licensees and contemporaneous applicants to ensure that they will not interfere with each other.

II. REGULATIONS AND POLICIES THAT THE COMMISSION ADOPTED OR MODIFIED, INCLUDING COMPLIANCE REQUIREMENTS

In the *6 and 23 GHz R&O*, the Commission took the following actions:

- Amended the table in Section 101.31(c) of the Commission's Rules to list 30 megahertz as the maximum permissible bandwidth in the Upper 6 GHz Band.
- Added note 33 to Section 101.147(a), stating that coordination of a new 30 megahertz link in the Upper 6 GHz Band should be attempted only if it cannot be accommodated in the 5925-6425 MHz band (Lower 6 GHz Band).
- Added Section 101.147(l)(8) to show the specific transmission and reception channels that will be available for licensees to use when operating on bandwidths of 30 megahertz in the Upper 6 GHz Band.
- Amended Section 101.31(b)(1)(vii) to list two additional channel pairs as being eligible for conditional authority, provided that applicants propose to limit their effective isotropically radiated power (EIRP) to 55 dBm. The new channel pairs are 22.025/23.225 GHz and 22.075/23.275 GHz.
- Amended Section 101.147 by revising the table in paragraph (s) to add 22.025/23.225 GHz and 22.075/23.275 GHz to the list of channel pairs available for assignment to fixed service license applicants.

III. RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

None of the rules adopted in the *6 and 23 GHz R&O* impose any mandatory new requirements or compliance burdens, including any reporting or recordkeeping burdens, on small entities, but they do require applicants to demonstrate that they satisfy certain requirements when seeking to use any of the expanded channels that the order makes available. The *6 and 23 GHz R&O* requires applicants to demonstrate the following:

- When seeking a license to operate on a 30 megahertz bandwidth in the Upper 6 GHz Band, the applicant must demonstrate that it has been unable to coordinate a 30 megahertz channel in the Lower 6 GHz Band.
- Before beginning operation under conditional authority on the 22.025/23.225 GHz or 22.075/23.275 GHz channel pair, the applicant must coordinate with incumbent licensees and contemporaneous applicants to ensure that the applicant will not cause any electrical interference to their operations. The applicant must also promise to limit its EIRP to 55 dBm.

IV. INTERNET LINK AND CITATIONS

“Amendment of Part 101 of the Commission’s Rules to Accommodate 30 Megahertz Channels in the 6525-6875 MHz Band; Amendment of Part 101 of the Commission’s Rules to Provide for Conditional Authorization on Additional Channels in the 21.8-22.0 GHz and 23.0-23.2 GHz Band”

Report and Order:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-109A1.pdf

25 FCC Rcd. 7760 (2010); 75 Fed. Reg. 41767-01 (July 19, 2010) and 75 Fed. Reg. 45496-01 (August 3, 2010) (correction)